

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NELYA KOVAL,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA ,

Defendant.

CASE NO. 2:23-cv-187

ORDER SETTING DATES

**SCHEDULING DATES**

The Court issues this Scheduling Order after reviewing the Parties' Joint Status Report in this ERISA-benefits action. Dkt. No. 5. The parties have represented that the administrative record in this matter will be produced on July 7, 2023. *See* Dkt. No. 5 ¶ 4., C. As an action for the review of an administrative record, this matter is exempt from initial disclosure requirements under Fed. R. Civ. P. 26(a)(1)(B)(i). The parties do not intend to conduct discovery in this matter. *See* Dkt. No. 5 ¶ 1., E. Based on the parties' Joint Status Report, the Court sets the following dates:

**EVENT**

**DATE**

Defendant to disclose a copy of administrative record to  
Plaintiff

July 7, 2023

**EVENT****DATE**

Deadline for Fed. R. Civ. P. 52 Motions for Trial on the Administrative Record (limited to 30 pages)      October 6, 2023

Deadline for response briefs (reply briefs are waived, and response briefs are limited to 30 pages)      November 3, 2023

Status conference      November 20, 2023

The applicable Local Civil Rules set all other relevant dates. The dates listed in this Order and set by the Local Civil Rules are firm and cannot be changed by agreement between the parties. Only the Court may alter these dates and it will do so only if good cause is shown. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event must be performed on the next business day.

If any scheduled date creates an irreconcilable conflict, counsel must email Grant Cogswell, Courtroom Deputy, at [grant\\_cogswell@wawd.uscourts.gov](mailto:grant_cogswell@wawd.uscourts.gov) within 10 days of the date of this Order, explaining the exact nature of the conflict. Failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled but should understand that trial may have to await the completion of other cases.

**COOPERATION**

If they arise in this matter, all discovery matters should be resolved by agreement, if possible, as required by LCR 37(a). Counsel are also directed to cooperate in preparing any final pretrial order in the format required by LCR 16.1, except as ordered below.

**EXHIBITS**

The parties must deliver the original and two copies of the trial exhibits to Grant Cogswell, Courtroom Deputy, seven days before the determined trial date. Each exhibit must be clearly marked. The Court alters the LCR 16.1 procedure for numbering exhibits as follows:

1 Plaintiff's exhibits should be numbered consecutively beginning with 1; Defendant's exhibits  
2 should include the prefix "A" and should be numbered consecutively beginning with A-1.  
3 Duplicate documents should not be listed twice. Once a party has identified an exhibit in the  
4 pretrial order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder  
5 with appropriately numbered tabs.

6 **SETTLEMENT**

7 If this case settles, counsel must notify Grant Cogswell, Courtroom Deputy, as soon as  
8 possible at [grant\\_cogswell@wawd.uscourts.gov](mailto:grant_cogswell@wawd.uscourts.gov). An attorney who fails to give the courtroom  
9 deputy prompt notice of settlement may be subject to sanctions or discipline under LCR 11(b).

10 Dated this 6th day of July, 2023.

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13 Jamal N. Whitehead  
14 United States District Judge  
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